

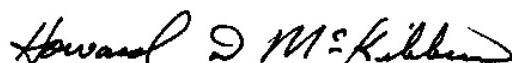
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) 3:13-cr-00002-HDM-VPC
Plaintiff,)
vs.) ORDER
FABIAN B. LOMBERA,)
Defendant.)

Upon consideration of defendant's motion to receive the records of this case (#46), the court finds defendant has failed to establish he is entitled to a transcript of his sentencing hearing. See 28 USCA 753(f). Accordingly, defendant's motion for a transcript is DENIED WITHOUT PREJUDICE to renew should he file a petition pursuant to 28 USC § 2255, renew his request for the transcript, and satisfy the court the petition is not frivolous and that such transcript is necessary to decide the issue presented in his petition. The remainder of defendant's motion is denied as moot as the court is informed defendant's counsel has or will provide the defendant with his requested documents.

IT IS SO ORDERED.

DATED: This 17th day of September, 2014.



UNITED STATES DISTRICT JUDGE